

REMARKS/ARGUMENTS

Reconsideration is requested. Claims 1-7 are pending. Responsive to the Final Office Action of February 23, 2005, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Claims 1-7 are pending in this application. Independent claims 1 and 4 have been amended to recite that the translucent window layer is "non-fogging" (support at previous claim 5 and at, for example, page 8, lines 21-24 of the specification). Accordingly, claim 5 has been canceled.

It is respectfully submitted that the amendments above are supported by the specification, claims, abstract of the disclosure, and drawings as originally filed, and that no new matter has been added.

35 U.S.C. §103 Rejections:

The subject matter of claims 1-7 was rejected under 35 U.S.C. §103(a) as anticipated by U.S. Patent No. 6,024,919 to Nelson et al. (hereinafter "Nelson") in view of U.S. Patent No. 5,820,826 to Moorman (hereinafter "Moorman").

Applicants' understanding of Nelson was detailed in the Amendment of September 30, 2004. Moorman appears to describe the use of a support, which can be transparent, attached to the bottom of a test strip (see col. 7, lines 40-44, col. 11, lines 39-47 and FIG. 2 of Moorman).

Applicants note that amended claims 1 and 4 each recite that the translucent window is "non-fogging." Such a non-fogging window is beneficial given that the air gap of the presently claimed subject matter is essentially air-tight during use (as reflected in the claim recitations that the air pressure of the air gap "increases" upon application of a liquid sample) and would otherwise be prone to deleterious moisture condensation (see page 8, lines 21-24 of the specification). Neither Nelson nor Moorman appear to describe, teach or suggest the use of a non-fogging translucent window as recited in the present claims or the benefits thereof in the currently claimed subject matter.

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For at least the foregoing reasons, Applicants respectfully submit that claims 1 and 4, as amended, are unobvious over the cited combination of Nelson and Moorman and are, therefore, allowable. Since claims 2, 3, 6 and 7 depend from and further limit their respective independent parent claims, they are patentable for at least the same reasons.

CONCLUSION

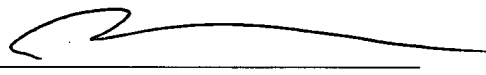
Applicant respectfully requests that, in light of the amendments and explanations above, the Examiner reconsider and withdraw his rejections. Applicant respectfully submits that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned at (408) 956-4790 so that issuance can be expedited.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. DDI-037USA/MM) (Johnson & Johnson).

Respectfully submitted,

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By: _____


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